

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-15 are currently pending in this application, with Claims 1 and 7 being the independent claims. The Examiner maintained the rejection of Claims 1, 2, 4, 6, 7, 9, 10, 12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by *Kinnunen et al.* (U.S. Pub. 2001/0018349) (hereinafter, *Kinnunen*.) The Examiner also maintained the rejection of Claims 3, 5, 11 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Kinnunen* in view of *Wilkinson* (U.S. Patent No. 6,907,225) (hereinafter, *Wilkinson*.)

As indicated above, Claims 1, 7, 8, 12 and 14 have been amended and Claims 9-11 have been cancelled without prejudice. Accordingly, no new matter has been added.

As to Claim 1, the Examiner maintained the allegation, among other things, that *Kinnunen* teaches each and every limitation of Claim 1. In particular, the Examiner stated that *Kinnunen* in paragraphs 0128 and 0138 teaches the recitation of “informing the user of a change in the least one function available to the user after a change of the user’s class,” as recited, in part, by Claim 1 of the application. However, after reviewing *Kinnunen*, Claim 1 has been amended, as set forth above, so as to overcome the 35 U.S.C. §102(b) rejection.

In contrast to the present invention, *Kinnunen* is essentially directed to a system for providing location dependent services to a plurality of mobile terminals within a coverage area, wherein the system defines the services deployment areas in which the services themselves are available.

Regarding the §102(b) rejection of Claim 1, Claim 1 has been amended, as set forth above, so as to further define the “informing” recitation therein by incorporating the limitations found in dependent Claims 2 and 3 and, subsequently, Claims 2 and 3 have been cancelled. In other words, nothing in *Kinnunen* fairly teaches or even fairly suggests this “informing” recitation reiterated above, which recites “the text message includes a service code corresponding to the at least one function that changes due to the change in the class of the user,” as recited in newly amended Claim 1.

As to Claim 3, the Examiner also maintained the rejection of this claim under §103(a), again citing *Kinnunen*, but in further view of *Wilkinson*. In particular, the Examiner conceded that *Kinnunen*, standing alone, fails to recite a “text message” element that includes “a service code” which corresponds to the at least one function that changes due to the change in the class of the user, but nevertheless, the Examiner maintained the §103(a) rejection citing specifically columns 7 and 8 of *Wilkinson*. However, after reviewing the *Kinnunen* and *Wilkinson* references, it is respectfully submitted that *Wilkinson*, as a whole, fails to cure any of the deficiencies found in *Kinnunen*.

In this instance, in *Wilkinson*, a method and system for selectively capturing content and delivering the captured content to a mobile communications device via wireless communication are disclosed. Specifically, *Wilkinson* discusses in Columns 7 and 8 that a capture module (103) prompts a user for a “password” which upon entering is relayed to a server module (101), wherein if the recipient enters the correct password, the server module (101) serves the capture module (103) with a data file. (See, e.g., col. 7, ln 40 thru col. 8, ln. 5 of *Wilkinson*.) It appears, however, that the Examiner seems to be confused by the purpose and function of the “password” element, as taught in the system of *Wilkinson*, and the “service code” element, as recited by Claim 3 of the application. Therefore, unlike the teachings found in *Wilkinson*, the present invention claims that the service code is included as part of a text message wherein the text message is initially delivered to the mobile terminal by a mobile service provider element.

Furthermore, it must be emphasized that the service code itself corresponds to at least one function (i.e., game, phone book, music box, etc.) that changes due to the change in the class (i.e., age, credit rating, etc.) of the user, whereas in *Wilkinson* the user must input a password - already known by the user - in order to access files in the server module (101). Hence, *Wilkinson* does not teach the recitation at issue in Claim 3.

Accordingly, as the combination of *Kinnunen* and *Wilkinson* does not teach the limitation of Claim 3, which has been incorporated into Claim 1, it is respectfully submitted that amended Claim 1 is believed to be allowable over the combination of *Kinnunen* and *Wilkinson*.


As to Claim 7, the Examiner also maintained the rejection under §102(b) contending that Claim 7 contained similar recitations as those set forth in Claim 1. However, Claim 7 has been amended, as set forth above, in a manner similar to amended Claim 1, namely, by incorporating therein the limitations of dependent Claims 9, 10 and 11 and, subsequently, Claims 9, 10 and 11 have been cancelled. Thus, in view of these amendments, it is respectfully submitted that amended Claim 7 is now believed to be in condition for allowance.

As to the rejection of Claims 4-6, 8 and 12-15, the Examiner also maintained their rejections under 35 U.S.C. §102(b) and §103(a). However, Claims 4-6, 8 and 12-15 are all dependent claims; accordingly, since the above arguments are believed to place the independent claims into condition for allowance, it is respectfully submitted that these dependent claims are also believed to be in condition for allowance.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 4-8 and 12-15, are believed to be in condition for allowance. Should the Examiner believe that a

telephone conference or personal interview would facilitate resolution of any remaining matters,  
the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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